

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

**SENTENCING MINUTE SHEET**

CR No.	21-303-MV			USA vs.	Harris		
Date:	January 23, 2024			Name of Deft:	Ryan Harris		
Before the Honorable				Martha Vázquez			
Time In/Out:	9:33 a.m. / 11:30 a.m. 1:06 p.m. / 3:19 p.m.			Total Time in Court (for JS10):	4 hours, 10 minutes		
Clerk:	Linda Romero			Court Reporter:	Irene Delgado (by Zoom)		
AUSA:	Letitia Simms			Defendant's Counsel:	Wayne Baker		
Sentencing in:	Santa Fe, New Mexico			Interpreter:			
Probation Officer:	Robert Sanchez			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/> No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Indictment
If Plea:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:		
If Plea Agreement:	<input type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	<input checked="" type="checkbox"/>	No Plea Agreement	Comments:
Date of Plea/Verdict:	11/22/22			PSR:	<input type="checkbox"/>	Not Disputed	<input checked="" type="checkbox"/> Disputed
PSR:	<input checked="" type="checkbox"/>	Court Adopts PSR Findings			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed <input type="checkbox"/> Needed <input type="checkbox"/>
Exceptions to PSR:	<b>Court sustains the defense objection under 2K2.1(a)(4)(B) and reduces the base offense level to 14. Court sustains the defense objection under 2K2.1(b)(3)(B) and removes the 2-level enhancement under that section.</b>						
<b>SENTENCE IMPOSED</b>				Imprisonment (BOP): 57 months			
Supervised Release:	3 years			Probation:			
Court recommends ICE begin removal proceedings immediately or during service of sentence						ICE not applicable	
<b>SPECIAL CONDITIONS OF SUPERVISION</b>							
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days		
<input checked="" type="checkbox"/>	Substance abuse testing (up to 60 tests per year)			<input type="checkbox"/>	Community service for _____ months _____ days		
<input type="checkbox"/>	Substance abuse treatment program			<input checked="" type="checkbox"/>	Reside residential reentry center for up to 6 months		
<input checked="" type="checkbox"/>	Mental health treatment program (waive confidentiality)			<input type="checkbox"/>	Register as sex offender		
<input checked="" type="checkbox"/>	No alcohol/intoxicants (up to 4 tests per day)			<input type="checkbox"/>	Participate in sex offender treatment program		
<input checked="" type="checkbox"/>	Submit to search of person/property			<input type="checkbox"/>	Possess no sexual material		
<input type="checkbox"/>	No contact with victim(s) and/or co-Deft(s)			<input type="checkbox"/>	No computer with access to online services		
<input type="checkbox"/>	No entering, or loitering near, victim's residence			<input type="checkbox"/>	No contact with children under 18 years		
<input type="checkbox"/>	Provide financial information			<input type="checkbox"/>	No volunteering where children supervised		
<input type="checkbox"/>	Grant limited waiver of confidentiality			<input type="checkbox"/>	Restricted from occupation with access to children		
<input checked="" type="checkbox"/>	No psychoactive substances			<input type="checkbox"/>	No loitering within 100 feet of school yards		
<input checked="" type="checkbox"/>	OTHER: Educational or vocational program.						
Fine:	\$	0			Restitution:	\$	0
SPA:	\$	100 (\$100 as to each Count)			Payment Schedule:	<input checked="" type="checkbox"/>	Due during term of supervised release <input type="checkbox"/> Waived <input type="checkbox"/>
OTHER:							
<input checked="" type="checkbox"/>	Advised of Right to Appeal			Waived Appeal Rights per Plea Agreement			
<input checked="" type="checkbox"/>	Held in Custody			Voluntary Surrender			

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	Recommended place(s) of incarceration:	FCI Jesup or FCI Estill, to be close to his family in Georgia.
	Dismissed Counts:	
OTHER COMMENTS	<p>Court addresses defendant and identifies documents she has reviewed in preparation for sentencing. Court advises she would like counsel to address the objections to the PSR first. Defense counsel addresses Court. Government counsel Letitia Simms addresses the objections to the PSR. Defense counsel responds. Probation Officer Robert Sanchez addresses Court. Government counsel replies. Defense counsel replies. Court takes recess.</p> <p>Court in session. Defense counsel addresses court regarding objections to the PSR. Government counsel addresses Court regarding objections to the PSR. Defense counsel addresses Court regarding sentencing factors. Defendant addresses Court. Government counsel addresses Court. Court addresses defendant and imposes sentence. Court orders that the PSR address be changed to the defendant's mother's Fayetteville address. Defense counsel requests that the Court adjust the sentence to give the defendant credit for the 4 and a half months he spent in Texas before being arrested in this case. Court declines and advises that she considered that when she made her decision on her sentence. Government counsel requests that the Court inquire whether the defendant has any objection to the adequacy of the Court's explanation for any part of her sentence. Defense counsel advises that to preserve the defendant's appellate rights, the defendant believes the sentence has substantive and procedural errors in regards to the factual finding with respect to an additional gun which he believes there was not sufficient evidence to support and in analyzing the 3553 factors and believes a below guideline sentence would be appropriate.</p>	